

REMARKS

In the Official Action mailed from the United States Patent and Trademark Office ("PTO") on September 8, 2004, Claims 1-11, 13, 14, 16-23, 26 and 32-35 are rejected, Claims 12, 15, 24 and 25 are objected to, and Claims 27-31, 36 and 37 are allowed.

According to the Official Action, Claims 2-10 & 32-37 "are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The reason for these rejections is because no antecedent basis is provided in Claims 2-5 & 10 for the "connecting portion" and because no antecedent basis is provided in Claims 32 & 33 for the "pivotal connecting apparatus".

Reconsideration of this rejection is respectfully solicited.

It is respectfully submitted that amended Claims 2-5 & 10 and Claims 32 & 33 particularly point out and distinctly claim the invention is compliance with 35 U.S.C. 112, second paragraph. As set forth in amended Claims 2-5 & 10, "connecting portion" has been amended to read -connecting member- and amended Claim 1 provides an antecedent basis for this member. As set forth in amended Claims 32 & 33, "said pivotal connecting apparatus" has been amended to read -a pivotal connecting apparatus- and no antecedent basis is required for this apparatus initially identified in these claims. Accordingly, it is respectfully submitted that amended Claims 2-5 & 10 and Claims 32 & 33 are in compliance with 35 U.S.C. 112, second paragraph.

According to the Official Action, "Claims 1, 10 & 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Olson 4,877,007." (Action, page 2).

Reconsideration of this rejection is respectfully solicited.

The reference to Olson teaches a "sling bow" 11, "held in one hand of a user by a U-shaped handle 12 having a transverse hand grip 13. Connected to the upper portion of handle 12 is a platform 14 which, if desired, may be formed integrally with handle 12. ... A sling 16 is connected to handle 12 by a pair of

sling posts 17 which are connected to handle 12 via a pivotally mounted yoke 18. The pivotal connection for yoke 18 is preferably in the form of a threaded fastener 19 passing loosely through the yoke 18 midway between the sling posts 17 and secured to platform 14 by suitable means, such as a nut 21." (Col. 2, lines 26-42).

There is no teaching or suggestion in the reference to Olson of a "slingshot body" having "an off-set mounting apparatus pivotally connecting said fork portion and said gripping portion to one another for providing an off-set mounting for said fork portion relative to said gripping portion, said off-set mounting apparatus including a connecting member for connecting said fork portion and said gripping portion to one another by a predetermined distance sufficient to overcome friction forces created in the mounting apparatus when drawing the elastic member to a shooting position," as set forth in Claim 1 and its dependent claims.

Further, there is no teaching or suggestion in the reference to Olson of a "slingshot body" having the "connecting member" with the specified sizes as set forth in applicant's Claims 2-4 and 7-9. Moreover, should the threaded faster 19 taught in Olson have the sizes specified in Claims 2-4 and 7-9, it is likely that the hand of a user would be repeatedly injured each time he grasped transverse hand grip 13 when using sling bow 11 to release an arrow 24.

Further, there is no teaching or suggestion in the reference to Olson of a "slingshot body" having "a sight mounting bracket for attaching a sight to said fork portion," as set forth in applicant's Claim 11. The reference to Olson teaches an "arrow rest 31" that is formed by "a wire member 35 which has a V notch 36 midway between its ends to receive the shaft of the arrow 24," (Col. 3, lines 6-18). However, the reference to Olson does not teach or suggest a sight mounting bracket.

According to the Official Action, "Claims 13 & 16 are rejected under 35 U.S.C. 103(b) as being unpatentable over Olson in view of Bolton 3,983,860." (Action, page 3).

Reconsideration of this rejection is respectfully solicited.

As previously explained, there is no teaching or suggestion in the reference to Olson of a "slingshot body" having "an off-set mounting apparatus . . .," as set forth in Claim 1. The reference to Bolton also fails to teach or suggest the "off-set mounting apparatus" claimed by applicant. Accordingly, the combined references to Olson and Bolton fail to teach or suggest applicant's invention set forth in Claims 13 and 16.

Further, it is suggested in the Action that "One would recognize that a pivotal connector would be desirable so the elastic will remain aligned with the fork in the vertical direction." (Action page 3). However, the reference to Bolton teaches and suggests: "Handle 10 separates at a crotch 16 into two arms 18 and 20. Arm 20 is shorter than arm 18 to enable accurate use and accurate aiming of the slingshot." (Col. 1, lines 32-35). From this teaching, it appears that the reference to Bolton teaches away from the suggested combination because the accurate use and accurate aiming of the Bolton reference slingshot is dependent on the elastic not being aligned in the vertical direction of the fork. Accordingly, it is respectfully submitted that the combination of references to Olson and Bolton are not properly combinable to teach or suggest applicant's invention set forth in Claims 13 and 16.

According to the Official Action, "Claim 14 is rejected under 35 U.S.C. 103(b) as being unpatentable over Olson in view of Bolton as applied to Claim 13 above, and further in view of Ellenburg et al 5,803,067." (Action, page 3).

Reconsideration of this rejection is respectfully solicited.

As previously explained, there is no teaching or suggestion in the combination of references to Olson and Bolton of a "slingshot body" having "an off-set mounting apparatus . . .," as set forth in Claim 13. The reference to Ellenburg et al also

fails to teach or suggest the "off-set mounting apparatus" claimed by applicant.

Accordingly, the combined references to Olson, Bolton and Ellenburg et al fail to teach or suggest applicant's invention set forth in Claim 14.

Also, as previously explained, the combination of references to Olson and Bolton are not properly combinable to teach or suggest applicant's invention set forth in Claims 13 and 16. The reference to Ellenburg et al fails to provide a teaching or suggestion explaining why the Olson and Bolton references are not properly combinable.

Further, it is suggested in the Action that "Olson shows a sight 31, 36 which is somewhat removed from the fork." (Action page 4). As previously explained, the reference to Olson teaches and suggests an "arrow rest 31" that is formed by "a wire member 35 which has a V notch 36 midway between its ends to receive the shaft of the arrow 24," (Olson, Col. 3, lines 6-18). However, the Olson reference does not teach or suggest a sight mounting bracket.

Further, it is suggested in the Action that "One would recognize that a sight mounted closer to the connection of the elastic and fork may be more accurate." (Action page 4). The reference to Olson is to a sling bow that has a wire member 35 forming a V notch 36 which supports an arrow 24. Since the reference to Olson discloses wire member 35 for supporting arrow 24 in V notch 36, it is necessary to remove arrow 24 from wire member 35 to use notch 36 as a sight. This action would cause the Olson reference sling bow 11 to be useless.

Accordingly, it is respectfully submitted that the combination of references to Olson, Bolton and Ellenburg et al are not properly combinable to teach or suggest applicant's invention set forth in Claim 14.

According to the Official Action, "Claims 17 & 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bolton." (Action, page 4).

Reconsideration of this rejection is respectfully solicited.

There is no teaching or suggestion in the reference to Bolton of a "slingshot body" that includes, inter alia, "a stabilizing member for inhibiting undesired movement of said fork portion" or "pivotal connecting apparatus for pivotally connecting the elastic member to said fork portion, said pivotal connecting apparatus including an elongated connecting member pivotally connected in close proximity to an outboard end of said fork portion, the elongated connecting member having a length sufficient to overcome friction forces created when drawing the elastic member to a shooting position," as set forth in Claim 17 and its dependent claims. The references to Olson and Ellenburg et al also fail to teach or suggest the "stabilizing member for inhibiting undesired movement of said fork portion" or "pivotal connecting apparatus for pivotally connecting the elastic member to said fork portion, said pivotal connecting apparatus including an elongated connecting member pivotally connected in close proximity to an outboard end of said fork portion, the elongated connecting member having a length sufficient to overcome friction forces created when drawing the elastic member to a shooting position," as set forth in Claim 17 and its dependent claims.

Accordingly, the references to Bolton, Olson and Ellenburg et al, singly or in combination, fail to teach or suggest applicant's invention set forth in Claim 17 and its dependent claims.

Further, it is suggested in the Action that "one would be able to determine through routine experimentation the length that is most effective to reduce friction." (Action page 4). Even though one may determine the most effective length to reduce friction, it is necessary for such one to be given guidance as to the desirability of reducing friction. Since the references to Bolton, Olson and Ellenburg et al, singly and in combination, fail to teach or suggest the desirability in reducing the friction, the combination of references fail to teach applicant's invention set forth in Claim 17 and its dependent claims or the

length of the connecting member set forth in applicant's dependent Claims 18-20.

Further, it is suggested in the Action that "One would recognize that it would be desirable to provide a pivotal connection between the grip and fork to better align the elastic." (Action page 5). However, the reference to Bolton teaches and suggests: "Handle 10 separates at a crotch 16 into two arms 18 and 20. Arm 20 is shorter than arm 18 to enable accurate use and accurate aiming of the slingshot." (Col. 1, lines 32-35). From this teaching, it appears that the reference to Bolton teaches away from the suggested combination because the accurate use and accurate aiming of the Bolton reference slingshot is dependent on a pivotal connected to better align the elastic.

Accordingly, it is respectfully submitted that the combination of references to Bolton and Olson are not properly combinable to teach or suggest applicant's invention set forth in Claim 26.

In the Action, Claims 27-31, 36 and 37 are allowed and Claims 32-35 indicated that they would be allowed if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. As previously indicated, Claims 32-35 have been amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. Accordingly, it is respectfully submitted that Claims 27-37 should be considered allowable.

For the foregoing reasons, it is respectfully submitted that this application should be considered in condition for allowance and such is respectfully solicited.

Respectfully submitted,


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